

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

PETER ALEXANDER SORIA,

Plaintiffs,

6:15-cv-1025-TC

v.

FINDINGS AND  
RECOMMENDATION

UNITED STATES GOVERNMENT,

Defendant.

COFFIN, Magistrate Judge.

By Order (#5) entered June 23, 2015, plaintiff's complaint was dismissed for failure to state a claim. The deficiencies of the complaint were explained in the court's order and plaintiff was allowed 30 days to file an amended complaint.

Plaintiff has now filed an amended pleading (#7). However, the amended pleading does not cure the defects that led to the dismissal of the original complaint. In short,

plaintiff alleges facts about several incidents where he felt others were mocking him and ignoring his ideas. However, plaintiff has not alleged any facts that could reasonably be construed as a constitutional claim, nor has he alleged any facts against a specifically named defendant.

Plaintiff's amended complaint fails to comply with the minimal pleading standards of the federal rules and fails to state a claim. The Amended Complaint (#7) should be dismissed. Because it is apparent that the defects of the complaint cannot be cured by amendment, the dismissal should be with prejudice.


The Clerk of the Court should be directed to enter a judgment dismissing this action with prejudice.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a

waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

*Any appeal from an order adopting this Findings and Recommendation or judgment dismissing this case would be frivolous and not taken in good faith. Therefore, plaintiff's in forma pauperis status should be revoked.*

DATED this 7 day of August, 2015.



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Thomas M. Coffin  
United States Magistrate Judge